

The Sydney Morning Herald.

THREEPENCE—£3 PER ANNUM. VOL. XXXII.

TUESDAY, FEBRUARY 26, 1852.

No. 4613.

CASH TERMS FOR ADVERTISEMENTS.

THE KERRA FOR WOLLONGONG.
The KERRA will leave the Phoenix Wharf for Wollongong on Friday morning, at eight o'clock, and will return on Saturday morning at three o'clock.
JAMES PATTERSON, Manager.
4433

STEAM TO MORETON BAY.
The EAGLE, Ship J. J. Warner, Commander, will leave for TO-WORBOO, on Friday at 8 P.M.
JAMES PATTERSON, Manager.
4430

STEAM TO MELBOURNE AND LAUNCESTON.
The SHAMROCK, G. G. O'Connor, Commander, will leave for Melbourne on Monday, 1st March, at 6 P.M.
JAMES PATTERSON, Manager.
3867

FOR HUNTER RIVER.
The HENRY COHEN, Coaster, Saturday next, for Newcastle, and Raymond Terrace.
HENRY COHEN, Agent.
4430

FOR PORT MACQUARIE.
The KILZABETH COHEN, having been detained on account of contrary winds, will positively sail on Saturday morning, with passengers and cargo.
HENRY COHEN, Agent.
4430

FOR MORETON BAY.
The clipper Schooner SOUVENIR, 160 tons, John Brown, Commander, will leave for Moreton Bay on Saturday morning, with passengers and cargo.
JOHN MORRIS, Agent.
4430

FOR WIDE BAY.
The fine brigantine ALBION, 130 tons, Captain, will leave for Wide Bay on Saturday morning, with passengers and cargo.
JOHN MORRIS, Agent.
4430

FOR TWO FOLD BAY.
The fast brigantine ANN MARY, 80 tons, Francis, Master, will leave for Two Fold Bay on Saturday morning, with passengers and cargo.
JOHN MORRIS, Agent.
4430

FOR PORT ALBERT DIRECT.
The fine new clipper schooner MARY ANN, 116 tons, Captain, will leave for Port Albert on Saturday morning, with passengers and cargo.
JOHN MORRIS, Agent.
4430

FOR MELBOURNE.
The clipper schooner FAVORITE, 170 tons, Captain, will leave for Melbourne on Saturday morning, with passengers and cargo.
JOHN MORRIS, Agent.
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FOR MELBOURNE.
The clipper schooner MEG MERRILLIS, 170 tons, Captain, will leave for Melbourne on Saturday morning, with passengers and cargo.
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THE Captain guarantee, and will sign Bills of Lading, to deliver all cargo on the Wharf in Melbourne without the smallest delay after arrival.

THE fine fast-sailing barque DUKE OF WELLINGTON, 387 tons register, C. Lloyd Throckmorton, Commander, will sail on Saturday next, for Melbourne, with passengers and cargo.

PACKET FOR MELBOURNE.
The noted clipper PACKET, 158 tons register, Richard Parker, Commander, having several cabins already taken, will sail on Tuesday next, for Melbourne, with passengers and cargo.

PACKET VANQUIS FOR MELBOURNE.
Going to the Wharf direct, without lightering. Has only room for a few cabin passengers, with excellent accommodations. Apply on board, at the Flour Company's Wharf, or to SHEPPARD AND ALGER.

PACKET FOR MELBOURNE.
The favourite first-class clipper EMMA, 135 tons register, Alfred Brooks, Commander, has moved to the Flour Company's Wharf, and having most of her cargo already taken, will sail on Friday, 27th instant, for Melbourne, with passengers and cargo.

FOR MELBOURNE DIRECT.
The fine A 1 clipper-built brigantine EMMA, 135 tons register, Alfred Brooks, Commander, has moved to the Flour Company's Wharf, and having most of her cargo already taken, will sail on Friday, 27th instant, for Melbourne, with passengers and cargo.

FOR MELBOURNE.
The clipper schooner COQUETTE, 73 tons, Captain Farmer, will sail on Friday, 27th instant, for Melbourne, with passengers and cargo.

FOR MELBOURNE.
The clipper schooner ANN MARY, 80 tons, Francis, Master, will leave for Melbourne on Saturday morning, with passengers and cargo.

FOR MELBOURNE.
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FOR CEYLON.
The fine A 1 clipper barque NERPEUDA, 430 tons, J. Main, Commander, has sailed having been computed to meet the Colombo line of steamers. Passengers to England or shippers of gold will find this the most expeditious route home. Apply to Captain J. Main, or EDWARD N. BURGESS, 30, Macquarie-place.

SHIPPERS of gold are respectfully informed that the BLACKWALL will sail immediately on the arrival of the Shamrock, having all her crew on board.

SHIP QUITO.
Notice to Shippers of Gold, and Cabin Passengers.

FOR LONDON.
The A 1 clipper, 580 tons, R. D. Goulding, Commander, will sail immediately on the arrival of the steamer Shamrock, from Port Phillip. Two poop cabins disengaged.

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SYDNEY FIRE INSURANCE COMPANY.
Chairman, V. Smart, Esq.
Deputy Chairman, Charles Kemp, Esq.
Directors, Thomas Agar, Esq., M. Robey, Esq., Thos. Holt, jun., Esq., W. B. Scott, Esq., Surveyor, James Hume, Esq., Secretary, George King, Esq.

The Directors of the Sydney Fire Insurance Company call the attention of the public to the following reduced Scale of their Rates of Premium:

Section A.—Slated buildings, 6s. to 12s. per cent.
Section B.—Shingled buildings, 6s. to 12s. per cent.
Section C.—Weather-boarded buildings, 12s. to 30s. per cent.

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The Directors of the Sydney Fire Insurance Company call the attention of the public to the following reduced Scale of their Rates of Premium:

ROYAL HOTEL.
Continued Success of the NEW ORLEANS SERRANADES.

The above Company beg most respectfully to announce their third Anniversary, on FRIDAY, 27th inst., in the Ballroom of the Royal Hotel, with a new and original change in the Programme.

Part I.
Overture—Selections from Fra Diavolo.
Comme ça va.
Hand de Benjo.
Gis up in the Morning.
Old Uncle Ned.
Mary Brown.
Betty Brown.
Come back, Stephen.
Stop das Knocking.
Duet—Fratins and Guitar.
Come to the Old Gum Tree.
History of the World.
Lucy Long.
Jenny Lane.
Jenny get you're Hoe Cake done, Hall.
Mary Brown.
Good bye, John.
Nigger from the South.
Doors open at half-past 7. To commence at 8 o'clock.

Part II.
Come to the Old Gum Tree.
History of the World.
Lucy Long.
Jenny Lane.
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MR. ARCHIBALD CAMPBELL.
Accountant, requests that communications for him may be directed to his residence, Harbour Terrace.
January 21. 1870

MUSIC.—An English Lady (Just arrived from London), residing in the Glebe Road, wishes to obtain some pupils for the Piano-forte, in or near Sydney, either at their own or her residence. Address to M. E. D. Herald Office.

TO PUBLISHERS.—The undersigned regrets to inform his customers that severe illness has prevented him from soliciting their favours, but trusts in a few days to resume business.
STEPHEN BUTTS.
Pitt-street South, February 19. 1852

HORSE AND CARRIAGE BAZAAR.
240, PITT-STREET.
CHARLES MARTYN begs to inform the public in general, that the greater portion of his men having returned from the diggings to resume their occupations, and at the request of many of his old customers, he will continue the coach building in connection with his weekly sale by auction of horses, cattle, and other property.

C. M. begs to state that he has engaged Mr. Edward Healy to manage the horse department, which arrangement will enable him to pay the same attention to the carriage business that has entitled him to the confidence of the public for the last 12 years.

Parties sending horses to livery will have every attention paid them, and all horse stock sent for sale by auction, are requested to be forwarded, with description and capabilities, the day previous to sale.

Large roomy boxes for cutins.
N.B.—A shoeing forge on the premises for the convenience of the public, under the superintendence of a first-rate farrier.

It is a natural thing to find our most re-
sponsible...
The robbery was committed as follows:—
Between nine p.m. and half-past on Saturday,
the 14th inst., as I was making up the
account of the robbery, I was sitting in my
office with the gold which he had bought during
the day; I placed it near the end of the
counter, and told him I would weigh it for
him in a moment, he went to the door, and
in the mean time he went across the street to
return a pistol which he had borrowed from
Mr. Walcott. He (Mr. Walcott) could not
have more than reached Mr. Walcott's
shop, as he is directly opposite my office, when I
finished that which I was doing, and took
my hand off the bag of gold for a moment
to take some small weights
out of the counter, and he replaced by larger ones in purpose to weigh
the gold brought in by Mr. M. At this in-
stant a man came in and asked for change of a
pound, and on being refused, he made a grasp
at the bag of gold, and in the confusion of the
hold of and rushing out of the office with it.
I immediately opened the counter door and
ran after him, but from the darkness of the
night and from my receiving a severe fall, I lost
him, and whether I lost gold or not, I do not
know, as I was standing at Mr. Walcott's door, saw
a man run from my office in the direction of
the watch-house, &c.
As to your correspondent's remark that I
blame myself, &c., and that the counter ap-
pears a strange place to keep gold upon at such
a time and in such a place, &c., I will merely
state, that as a matter of business it was neces-
sary to weigh the gold previous to giving Mr.
Montgomery a receipt for it; and I would not
have been in the habit of weighing gold from
the scales were, and where either my clerk or
I have been in the habit of weighing gold from
(Sundays excepted), for nearly the last four
months; and which is the custom of all other
gold buyers in this township. As to the gold
having been kept on the counter, as your cor-
respondent says, I will only state, as you will
only state, as you will yourself see from the
foregoing, that the bag could not have been
on the counter more than two minutes, and
that the gold was not in my hand more than
half a minute from the time it was placed there
until stolen.
Having stated this much, I will now leave it
to you and the public to say whether I am to
blame, or whether I lost gold or not, and in
such a place, and at such a time, or whether,
under the circumstances, I am not wholly
and entirely exonerated from the slightest
culpability in the unfortunate transaction.
I remain, Sir, your obedient servant,
RICHARD THOMSON.
Sofala, February 21.

Witnesses replied that he was a surgeon; upon
which Macquarie held out his hand for him to
feel his pulse, and then crying he was "done
for," turned on his heel and went away. In
witness, estimation, Macquarie was at this
time quite sober. Many other eccentricities
were related of Macquarie, who, it was said,
after making out a bill, leaving his property to
Sir John Campbell, or Alder, in 1845, ap-
peared the cordiality thereto, and in the
instigation, it was insinuated, of the late
Lord Strathallan, to whom he was much in-
debted during his minority, and by one of
which cordials in 1845, his estate was made
good to the then Master of Strathallan, now
Lord Strathallan. This alleged circumvention
was represented to have occurred at Strath-
allan Castle, where Macquarie was stopping
for a short time previous to the making of the
cordials. The only connection which the pre-
sent Lord Strathallan could be said to have
with the matter, was embraced in a letter from
his father to the deceased Mr. Macquarie, in
the Edinburgh agent of Macquarie. In this letter
the deceased Lord wrote as follows:—"I never
mentioned the circumstance of the settlement
in my son's favour to any one but Lady Strath-
allan; and if the only one after Lord Strath-
allan's death, that I learned that he had
informed my son of the circumstance during
his last visit here, a few months before he
died."
For the defenders it was shown in evidence
that Macquarie had taken umbrage at Sir John
Campbell, in whose favour the first will had
been made, adding that as he had not taken
care of his own property, he could not be ex-
pected to take care of his (Macquarie's), did
he leave it to him. It was also proved that he
did not regard the pursuer, his cousin, in a
favorable light, calling him a "cub," and that
he had mentioned to Mr. Robertson, formerly
Sheriff-Substitute at Tobermory, and to the
Rev. Mr. Dewar, formerly minister at
Salem, that it was his intention to alter his
will, and to give his property to the Hon. W. Henry Drummond, now Lord
Strathallan, out of respect for himself, and out
of remembrance for the kindness that in his
youth he had received from the late Lord
Strathallan. As to Macquarie's sanity, the
former and the present Colonels of the Scots
Greys declared that Macquarie was, while in
that regiment, a fast friend of "lacking," and
highly respected, at the same time, by his
brother officers, not having anything about him
that betokened insanity. Sheriff Robertson
spoke of knowing Macquarie from 1842 to
1846, and that, although he was not a friend
of his, he was not a man to be suspected of
persecution, as an instance of which he mentioned
that he (Macquarie) generally commenced to
drink ale and wine after breakfast, the latter
out of a tumbler, yet he regarded him to be a
person of sound mind when sober, quite capable
of making a will, and not easily imposed on
by optimistic and sometimes absurd things, such
as for example, as to the man, a justice of
peace, on board a steamer for some alleged of
peace, and kissing a girl in the streets during
an election, which he called canvassing. The
Reverend Mr. McLeod, of Morven, the present
minister of the General Assembly, was also
quainted with Macquarie, the Presbytery
meetings being held in an inn belonging to him
in Mull. He sometimes attended the Presby-
tery meetings, and dined with the members,
and they with him. At the Presbytery's
dinner table he conducted himself with great
propriety. He was amusing, but some-
times gave the conversation a serious
cast. He was also a good deal of a
well acquainted with the ritual of the Church
of England; while his conversation was just such
as might have been expected from an enlight-
ened country gentleman. Witness, in fact,
thought him very clever, and of a fine pen-
etration and discrimination, and quite
capable to make a will, supposing him not to
yield to that habit of intoxication into
which he so much lately fell. The Rev. Mr.
Dewar testified to the same effect, saying
that Macquarie had with him while upon his
death-bed. This was the general tenor of
the evidence for the defence. After the Dean
of Faculty had replied for the pursuer, the
Lord Robertson, in summing up, ridiculed
what he called the fine-spun speculations of
medical men on the subject of lunacy—with
long Greek names, which he could not even
spell. The simple question was—Was or
was not the late Captain Macquarie insane?
He understood insanity to be the derangement
of the intellect; but the worst that had been
said of Captain Macquarie was, that he was
of any note was, that he was only morally in-
sane. Now his excellent friend Burke, who
suffered at the end of the Tolbooth (a laugh),
or any Glasgow pickpocket, might truly be
called morally insane (removed laughter), but
he supposed their intellectual faculties were not
so much deranged as to account for all that
Macquarie had done. He (Lord Robertson)
had the highest respect for these worthy
gentlemen, and if he was at all fond of words
today, which thank God he was not, he would
be very happy to meet with them. (Laughter.)
Nobody seemed to be considered drunk who
could make a finger. Accordingly various im-
proprieties of conduct on the part of Captain
Macquarie were mentioned, and the Lord
Robertson's feat in a sheet on a sofa
—but supposing he (Lord Robertson) were to
personate Labache, would they consider him
mad? (Roars of laughter.) There was an-
other long ridiculous story about his being
a person to be locked up in Salen Inn, and
on bread and water which, however, the wit-
ness said was seasoned with something better.
(A laugh.) He (Lord Robertson) was verily
lured all the water in Mull well seasoned;
in fact, they had no evidence that this
fluid was in use there at all—(laughter)—
except for ducking boys who had been tres-
passing, which was another story, and which
insanity brought forward. His Lordship then
went minutely over the evidence, the general
draft of which was, that the gentleman, though
certainly eccentric, was perfectly rational when
sober, and after advertising to the public, he
supposed a man like Lord Strathallan capable
of circumvention or fraud (the pursuer
to establish his case must infer) he concluded
a charge of insanity, "duration strongly
in favour of the defenders."
Counsel for the Pursuer: C. Neaven, D.
Mure, and George Patton, Esqrs. Agent, Mr.
A. McNeill, W.S.
Counsel for the Defenders: The Dean of
Faculty, and John Inglis and George Ross,
Esqrs. Agents—Messrs. Murray and Logan,
W.S.
COURT OF SESSION.—THE PRATICE IN JURY
CASES.—Some observations of importance to
the bar in reference to the procedure in jury
cases, were on Wednesday incidentally made
by Lord Robertson in trying a case with a jury,
which has already appeared over several days
—the case of Macquarie v. Macquarie's trustee.
When Mr. Inglis was about to open the
defence, his Lordship remarked, that after con-
sulting with two of his brethren, it seemed to
be the feeling of the Judges of the Outer-
court, and the opinion was concurred in, that
he believed by the Lord Justice General, that
it was quite irregular for a pursuer, in opening
his case, to go into anything like a detailed
comment on the evidence. It was perfectly
understood that the both parties in the case
should have a full opportunity of commenting
on the evidence when led, but the opening
should be merely a short statement, such as
would render the evidence to be led intelli-
gible. In most of the cases, the Lord Jus-
tice General, who was not present, had been
rigidly adhered to, but in some others it
had not. He hoped it would be attended to
hereafter by counsel.
THE ENGLISH CHURCH AT GENERAL.—The
ceremony of laying the first stone of the
English church, General Macquarie took place
on 1st October. It was performed by the Bishop
of Winchester, assisted by his lordship's

chaplain, the chaplain of the English Church,
and the members of the committee. There
was a large number of persons present, con-
sisting of some English families of distinction
who are staying at General Macquarie's, and
many of the inhabitants of the town. The service was read
by the bishop in a most impressive manner.
At the close of the ceremony the bishop made
a feeling and eloquent address to those around
him. He said he felt the deepest satisfaction
at having been asked to perform the ceremony,
recalling that he, personally, some five-and-
thirty years since, had made a request to the
governor-general, for permission to establish
an English church in the colony. He said he
was glad to see that the English church was
at last being erected, and he trusted that the
best and kindest feelings might always exist
between his countrymen and the inhabitants
of the colony, and that God would prosper
their work. The president of the local govern-
ment, Mr. Moultrie, then requested leave to
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